

BILL NO. Z-76-07-12

ZONING MAP ORDINANCE NO. Z- Last

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. AA-9.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-1-A District under the terms of Chapter 36,
Municipal Code of the City of Fort Wayne, Indiana, 1946, as
amended by General Ordinance No. 2836 and amendments thereof;
and the symbols of the City of Fort Wayne Zoning Map No. AA-9,
referred to therein, established by Section 9, Article III of
said Chapter as amended, are hereby changed accordingly, to-wit:

Lot No. 423 Pfeiffer Place 2nd Addition
to the City of Fort Wayne, Indiana,
according to the plat thereof, recorded
in Plat Book 5, page 80, of the records
in the Office of the Recorder of Allen
County, Indiana.

SECTION 2. This Ordinance shall be in full force and
effect from and after its passage, approval by the Mayor and
legal publication thereof.

John Shuckles
Councilman

APPROVED AS TO FORM
AND LEGALITY, _____

W. J. [Signature]
CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Hunter, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: 7-13-76

Charles W. Nuckols
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, placed on its passage.

~~PASSED~~ (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>0</u>	<u>5</u>	<u>1</u>		
BURNS		<u>✓</u>			
HINGA		<u>✓</u>			
HUNTER		<u>✓</u>			
MOSES		<u>✓</u>			
NUCKOLS		<u>✓</u>			
SCHMIDT, D.			<u>✓</u>		
SCHIMDT, V.		<u>✓</u>			
STIER		<u>✓</u>			
TALARICO		<u>✓</u>			

DATE: 4-26-77

Charles W. Nuckols
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 1976.

ATTEST: (SEAL)

Charles W. Nuckols
CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 1976, at the hour of _____ o'clock _____ M., E.S.T.

Charles W. Nuckols
CITY CLERK

(Approved and signed by me this _____ day of _____, 1976, at the hour of _____ o'clock _____ M., E.S.T.)

MAYOR

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: _____

CITY CLERK

Read the third time in full and on motion by D. Schmidt, seconded by Burns *to take ordinance until further notice*, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>6</u>	<u>2</u>		<u>1</u>	
BURNS	<u>✓</u>				
HINGA	<u>✓</u>				
HUNTER	<u>✓</u>				
MOSES	<u>✓</u>				
NUCKOLS				<u>A</u>	
SCHMIDT, D.					
SCHMIDT, V.					
STIER					
TALARICO					

DATE: 10-26-76

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION)

ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 1976.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 1976, at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 1976, at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on July 13, 1976, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-76-07-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

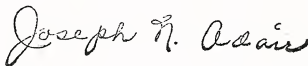
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 16, 1976;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 23, 1976.

Certified and signed this
8th day of September, 1976.



Joseph N. Adair
Secretary

Table
Bill No. Z-76-07-12

Hold
Ch. 5
SPOT Zoning
And back - return as
BIB:
without restrictions
REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. AA-9

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance 10 ~~10~~ PASS.

John Nuckols - Chairman

Paul M. Burns - Vice-Chairman

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

John Nuckols
Paul M. Burns
Vivian G. Schmidt
Winfield C. Moses, Jr.
Donald J. Schmidt

10-26-76

CONCURRED IN

DATE _____ CHARLES W. WESTERMAN, CITY CLERK

Bill No. Z-76-07-12

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. AA-9

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance PASS.

John Nuckols - Chairman

Paul M. Burns - Vice-Chairman

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

HOLD
until Apr. 19th
Committee meeting

Hold until April 26

Bill No. 3-76-07-12

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. AA-9

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do not PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WINFIELD C. MOSES, JR. - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD SCHMIDT

SAMUEL J. TALARICO

Vivian G. Schmidt
Winfield C. Moses, Jr.
William T. Hinga

Samuel J. Talarico

DATE 4-26-77 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

RECEIPT

Date

June 18 1976

No.

6812

Received From

Kimsey C Cress

Address

2530 Jettrace Rd

Fifty dollars

Dollars

\$50⁰⁰

For

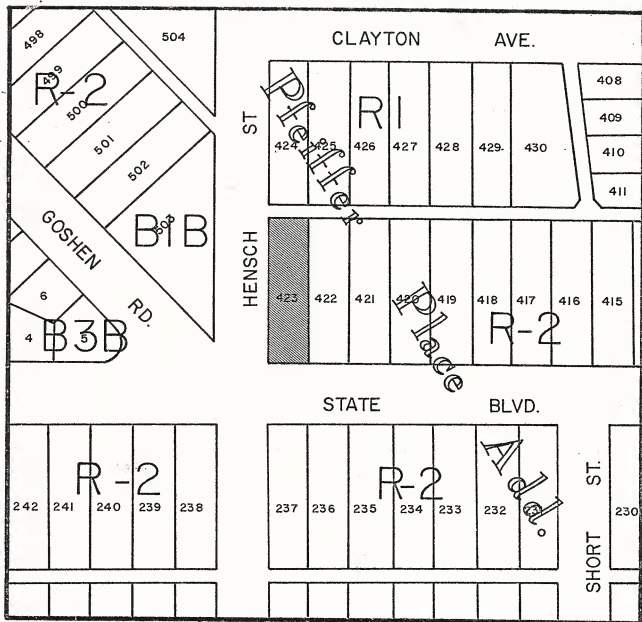
reasoning - lot #423


Puffer Place

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT	50 -	CASH	
AMT. PAID	50 -	CHECK	#3718
BALANCE DUE	-	MONEY ORDER	

By

City Plan



 To be changed from R-2 to B-1-A

6-23-76

AA-9

L.S.

N

2-76-07-12

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Date Filed _____

Intended Use _____

I/We Kimsey C. Cress + Helen L. Rogers
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana,
by reclassifying from a/an R-2 district to a/an B-1A district the
property described as follows:

Lot 423 Pfeiffer Place 2nd Addition to the City of Fort Wayne Indiana,
according to the plat thereof, recorded in Plat Book 5, page 80, of the
records in the Office of the Recorder of Allen County, Indiana.

(Legal Description)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum
(51%) or more of the property described in this petition.

Helen L. Rogers 5823 LeSteele Blvd. Helen L. Rogers

(Name)

(Address)

(Signature)

Legal Description Checked By: _____
(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

John M. Whitmore Jr. 222 Utility Bldg 743-0502
(Name) (Address) (Telephone Number)

CONDITION

I, Helen L. Rogers, being the owner of real estate in Allen County, Indiana, described as follows:

ILot 423 Pfeiffer Place Second Addition to the City of Fort Wayne

in consideration of the City Plan Commission's recommendation of approval of this Petitioner's petition for a Zoning Ordinance Amendment to amend the Zoning Map of the City of Fort Wayne, Indiana, by reclassifying the above noted property from an R-2 District to a B-1-A District and conditioned upon the passage and signature of said Zoning Map Amendment Ordinance by the City Council and Mayor of the City of Fort Wayne respectively, I hereby covenant and agree for myself, my grantees, personal representatives, successors and assigns as follows:

That said house now located on said property as above described containing two apartments and a beauty shop will not be used for a "business use" as listed in the permitted uses for a B-1-A zoning use other than for a beauty shop. Said real estate may be utilized for any use within the applicable R-3 zoning designation or any use the Board of Zoning Appeals may permit in an R-3 district.

This condition on future use of the present structure on the above described real estate shall become operative only upon the amendment of the Zoning Map of the City of Fort Wayne, as requested in Bill No. Z-76-07-12 from an R-2 District to a B-1-A District.

This is not a personal condition, but shall run with the land and inure to the benefit of all owners of real estate within 500 feet of said real estate and to the benefit of the public. It may be enforced by injunction or otherwise, by any of said owners or by the City of Fort Wayne on behalf of the public.

Witness my hand and seal this 2nd day of September 1976.

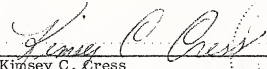
Helen L. Rogers
Helen L. Rogers

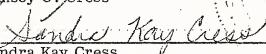
Before me a Notary Public in and for the State of Indiana, County of Allen, personally appeared Helen L. Rogers and acknowledged the execution of the above and foregoing condition to be her voluntary act and deed.

Judith D. Christon
Notary Public

My Commission Expires:
JUDITH D. CHRISTON
Notary Public, Allen County, Ind.
My Commission Expires July 11, 1978

Kimsey C. Cress and Sandra Kay Cress, being husband and wife, each over 18 years, and being the contract purchasers of the above described property from Helen L. Rogers, have read the above and foregoing Condition and upon the consideration above stated to Helen L. Rogers, agree for ourselves, our assigns, our grantees, our personal representatives, and our successors to abide by and carry out the requirements and limitations therein.




Kimsey C. Cress


Sandra Kay Cress

Before me a Notary Public in and for the State of Indiana, County of Allen, personally appeared Kimsey C. Cress and Sandra Kay Cress and acknowledged the execution of the above and foregoing to be their voluntary act and deed.

My Commission Expires:
JUDITH D. CHRISTEN
Notary Public, Allen County, Ind.
~~My Commission Expires July 11, 1978~~



Notary Public

Prepared by:
John M. Whitmore, Jr.
222 Utility Building
Fort Wayne, Indiana



THE CITY OF FORT WAYNE

COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

September 8, 1976

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held August 23, 1976. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved:

1. Bill No. Z-76-07-12
2. From "R2" to "BLA"
3. Intended use: Beauty shop
4. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reasons:

- a. The present use of the property is a beauty shop. The building has been used as a beauty shop and other commercial uses for several years, however, not since 1955. The petitioner purchased the property as a beauty shop and after purchase, realized it was not appropriately zoned. The Plan Commission felt that this could be rezoned to a "BLA", subject to restrictions. (See attached restrictive covenant)

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning
and Zoning

Gary P. Baeten
Gary P. Baeten
Land Use Administrator

GFB:Pr

ATT.





COMMUNITY DEVELOPMENT AND PLANNING

October 25, 1976

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802



Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held August 23, 1976. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved:

1. Bill No. Z-76-07-12
2. From "R2" to "B1A"
3. Intended Use: Beauty Shop
4. Plan Commission Recommendation: DO PASS

Bill No. Z-76-07-13 was sent to the City Council, on September 8, 1976, as a "B1A" with restrictions. This ordinance was reviewed by the City Council and sent back to the Commission for review and to be "cleaned up". Council recommended that this classification be changed to a "B1B" without restrictions.

Following review by the Commission, at their regular meeting held October 18, 1976, the Commission felt that the "B1A", as requested by the petitioner, was more appropriate for the usage, as the "B1B" classification would permit approximately 45 more uses than the requested "B1A". The Commission also felt that a clerical error had been made in requesting the "B1B", rather than the "B1A". The "B1A" classification would permit a beauty shop.

The Plan Commission, thereby recommends a DO PASS for a "B1A" usage only, without restrictions.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning and Zoning

Gary F. Baeten (ps)

Gary F. Baeten
Land Use Administrator

GFB:pr
ATT.

an equal opportunity employer



DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment Ordinance

3-76-07-121

DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSIONSYNOPSIS OF ORDINANCE Petitioners are requesting the rezoning of the
following described property:Lot # 423 Pfeiffer Place 2nd Addition, generally located on the northeast corner
of Hensch Street and W. State Blvd.,
From "R2" to "B1A"EFFECT OF PASSAGE Property is presently zoned an "R2" District - Two
Family residential. Petitioners are requesting a "B1A" District - Limited Business.EFFECT OF NON-PASSAGE Property would remain an "R2" DistrictMONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.)

Regulation Jettin